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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,196	12/05/2001	Mark Harter	020946-000110US	3551

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,196

Applicant(s)

HARTER ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

Claims 1-17 are active and rejected as followed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-10 (method), 11-17 (system) are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of (2) LIU et al and (3) CALVER.

As for independent method claim 1, as shown in the specification, under “Description of the Related Art”, [04]-[07], AAPA fairly discloses a method for generating business activity-related model-based output from a computer system (existing desktop application (or EDA)), the method comprising:

(a) providing a computer system with a computer, a user interface, a database, and program (module) to run the computer and its applications such as producing a model (financial) (or a rules generator module), a data manager module, and associated formatted and model-based output (or output generator module) [06];

(b) a database for storing application software and inputs to produce a business activity-related model-based output;

(c.) interact with users (consultant, staff, etc.) through desktop application (EPA), ERP software systems in order to produce a financial model by gathering information (inputs) from the users and receiving answers through the use of the application softwares;

(d) converting the inputs to the interaction (c.) into a set of rules that model the business activity and storing the set of rules in the database; and

(e) generating a business activity-related model-based output from the computer system based on the stored set of rules.

AAPA fairly discloses the claimed invention except for the followings:

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(a) the programs/modules for carrying out editor and interview functions.

(b) creating a set of model questions related to a business activity using the authoring editor program/module;

(c.) an interview manager module using series of context-sensitive questions specific set up for the interactive interaction with the user (or interview); and

(d) the received data are answers to the interactive interaction (interview).

In a similar method for generating business activity-related model-based output from a computer system, LIU et al discloses the carryout of (b) "interaction with user or gathering information" is carried out interactively via. Internet {see [0003, 0004, 0008], and Fig. 1 (12 "Web page inputs")}. It would have been obvious to modify the teachings of AAPA by carrying the method interactively on the Internet to obtain the benefits of "interactively" interaction and well known benefits of the Internet, as taught by LIU et al above. The teachings of AAPA/LIU et al fails to teach the concept of carrying out the interaction (or interview with questions/answers) with the user (gathering information) using a set of specific (model) questions related to a business activity and storing the specific answers to the questions on the database for developing of the model-based output.

In a similar method for generating business activity-related model-based outputs and business solutions, CALVER discloses the concept of carrying out the interaction (interview with question and answer) interactively using a series of interactive steps (or interactive interview), specific questions and answers in order to get narrower/more direct inputs by the user [0021, 0045, 0060, 0063, 0064]. It would have been obvious to

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modify the teachings of AAPA /LIU et al with by using interactive interview (interaction) with specific (or model) questions to obtain narrower/more direct inputs by the user as taught by CALVER. As for the authorizing editor module and interview manager module, these are inherently included when combining the teachings of AAPA/LIU et al /CALVER above. As for the difference in the use of the interactive interaction (question/answer or interview) as input to the generation of a model vs. inputting in a model to provide a business solution, this is not critical since the main issue is interactive gathering of question and answer (interaction or interview) with the users and its application to any gathering data situation would have been obvious to a skilled artisan.

As for dep. claim 2 (part of 1 above), which deals with the type of computer and database, these are non-essential to the scope of the claimed invention and are fairly taught in AAPA [06] or CALVER [0127].

As for dep. claim 3 (part of 1 above), which deals with the type of interactive interaction, web-based, this is non-essential to the scope of the claimed invention and are fairly taught in LIU et al [0004] or CALVER [0021].

As for dep. claim 4 (part of 1 above), which deals with the type of medium for carrying out (b), via a GUI, this is fairly taught in CALVER [0051] or LIU et al Fig. 1.

As for dep. claim 5 (part of 1 above), which deals with the type of medium for carrying out (e), via a GUI, this is fairly taught in LIU et al [0003] or CALVER [0050, 0119-0130] or LIU et al Fig. 1. Alternatively, the use of other similar TCP/IP

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programming language would have been obvious as mere selection of other similar language, as taught in CALVER [0124-0126].

As for dep. claim 6 (part of 1 above), this is taught in AAPA and or inherently in the teachings of AAPA /LIU et al and CALVER.

As for dep. claims 7-10 (part of 1 above), which deals with the questions/answers and rules parameters, these are inherently included in the teachings of AAPA /LIU et al /CALVER, especially in view of CALVER [0077-0082].

As for independent system claim 11, which is the computer system to carry out the method of claim 1 above, it's rejected over the system to carry out the method claims as rejected in claim 1 above. Alternatively, it would have been obvious to a skilled artisan to set up proper computer system to carryout the respective method claim as shown in the rejection of claim 1 above.

As for dep. claims 12-13 (part of 11 above), they are rejected for similar reasons set forth in claim 11 above.

As for dep. claims 14-17 (part of 11 above), which have similar limitations to dep. claims 3-9 above, they are rejected for similar reasons set forth in the rejections of claims 3-9 above. As for the teaching of "links or linking", this is taught in Fig. 16 of CALVER.

No claims are allowed.

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5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

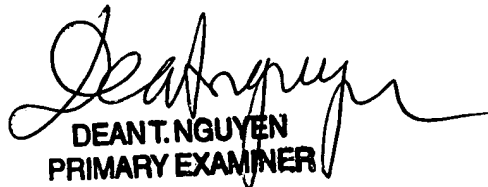
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
March 16, 2006


DEANT. NGUYEN
PRIMARY EXAMINER